

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

JAN 16 2019

CLERK, U.S. DISTRICT COURT,  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY CLERK

THUNDER PATCH II, LLC and  
HOC OPERATIONS, LLC

Plaintiffs

v.

JPMORGAN CHASE BANK, N.A. as  
Trustee of the Red Crest Trust; ANDY J.  
MCMULLEN, JOHN H. MCMULLEN  
JR., MARGIE HARRIS NEWTON,  
CYNTHIA CAROLE BEARD

Defendants

CIVIL NO. SA-18-CA-629-OLG

**ORDER ACCEPTING REPORT AND RECOMMENDATION**

On this date, the Court considered the report and recommendation of United States Magistrate Judge Richard B. Farrer, filed in the above-styled and numbered cause on December 10, 2018. Docket no. 46. The parties were served with a copy of the recommendation, and no objections have been filed. The Court has reviewed the recommendation, and the findings and conclusions therein are neither clearly erroneous nor contrary to law.

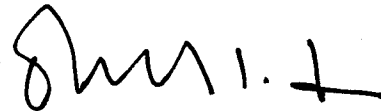
It is therefore ORDERED that the recommendation of Magistrate Judge Farrer be and is hereby ACCEPTED pursuant to 28 U.S.C. § 636(b)(1).

It is further ORDERED that Plaintiffs' motion for leave to file First Amended Complaint (docket no. 38) is DENIED; Plaintiffs' First Amended Complaint (docket no. 8) is STRICKEN; Plaintiffs' motion for remand (docket no. 9) is DENIED; and Defendant JP Morgan's motion to dismiss (docket no. 11) is GRANTED for the reasons stated in the report and recommendation. All claims against the trust

beneficiaries – ANDY J. MCMULLEN, JOHN H. MCMULLEN, JR., MARGIE HARRIS NEWTON, and CYNTHIA CAROLE BEARD – are DISMISSED and they are no longer parties to this lawsuit.

Magistrate Judge Farrer will continue to handle all pretrial matters.

SIGNED and ENTERED on the 16 day of January, 2019.

A handwritten signature in black ink, appearing to read "Orlando L. Garcia", written over a horizontal line.

ORLANDO L. GARCIA  
CHIEF U.S. DISTRICT JUDGE